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LETTER DATED 1 FEBRUARY 1993 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF BULGARIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Further to my letter of 28 January to the President of the Security Council (S/25182), and with reference to the statement of the Security Council President to the media of 28 January (S/25190), I have the honour to transmit herewith the text of a Declaration by the Government of the Republic of Bulgaria issued on 1 February 1993, regarding the recent gross violations by ships sailing on the Danube under the flag of the Federal Republic of Yugoslavia (Serbia and Montenegro) of the sanctions imposed by resolutions 757 (1992) and 787 (1992) of the United Nations Security Council.

I should be grateful if you would have this letter and the annex circulated as a document of the Security Council.

(Signed) Jordan LOZANOV
Chargé d'affaires a.i.

Annex

Declaration dated 1 February 1993 by the Government of the Republic of Bulgaria

The Government of the Republic of Bulgaria expresses its deep concern about the recent gross violations by ships sailing on the Danube under the flag of the Federal Republic of Yugoslavia (Serbia and Montenegro) of the sanctions imposed by resolutions 757 (1992) and 787 (1992) of the United Nations Security Council. These acts represent a serious defiance of the international community, of peace and security in the region.

Being aware of its responsibility and obligations with regard to the implementation of resolution 787 (1992), Bulgaria undertook measures commensurate with the specific circumstances to halt, inspect and verify the cargoes of the ships sailing on the Danube. In doing so, the Bulgarian Government was guided by the precedence of resolution 787 (1992) of the United Nations Security Council over the established international regime of navigation on the Danube, notwithstanding the negative effect of these measures on the long-term interests of the riparian States.

From the moment when the first of the several tugboats, illegally shipping oil products, entered the Bulgarian-Romanian sector, the Bulgarian border and other competent authorites undertook repeated, but unsuccessful attempts to establish a radio link, to halt the ship and inspect its documents, cargo and destination. Analogous measures were undertaken with regard to the convoys that followed.

In connection with the incident an emergency meeting of the Security Council Sanctions Committee was convened on the initiative of Bulgaria. The EC observer mission on the Bulgarian border with former Yugoslavia, as well as the EC/CSCE Sanctions Assistance Mission were notified. At the same time, Bulgaria stressed before the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) its deep concern about the provocative actions of the Serbian ships.

With a view to the existing situation and the specific circumstances at the time, it is the belief of the Bulgarian Government that all possible peaceful means to enforce unilaterally resolution 787 (1992) have been exhausted.

At the same time, the Bulgarian Government is completely aware of the fact that the use of force (which is not explicitly stated in resolution 787 (1992)) could lead to unpredictable developments in the region, including a spread of the armed conflict.

There is another, no less important aspect to a possible use of force - the real risk of casualties and environmental catastrophe in the region of the Danube and the Black Sea, which would make necessary an emergency shutdown of the Kozloduy nuclear power station.

Bearing in mind the specific regime of the navigation on the Danube and the international legal status of the common Bulgarian-Romanian sector, Bulgaria proposed to undertake joint action together with Romania for halting and inspecting the ships. In essence, resolution 787 (1992) requiring measures on the part of the riparian countries in the territories under their jurisdiction, could be implemented effectively in the common Bulgarian-Romanian sector only on the basis of well-coordinated joint action of both countries.

Besides, the incidences of gross violations of the sanctions regime imposed by resolution 787 (1992) have categorically proved that the international community has to address the problem of the responsibility of those who directly violate the sanctions as a top priority. It is necessary to delimit clearly and grade the extent of responsibility of the States where the convoys are laded, the States whose territorial waters they sail through, and the States acting in a common sector of the Danube.

Proceeding from the fact that there are no facilities for loading and unloading of liquid fuels at any Bulgarian port along the river, as well as from the signals that the violations are taking place before the Bulgarian-Romanian sector, the Government of the Republic of Bulgaria proposes that one or several permanent missions of international observers be deployed in the lower course of the Danube. The terms of reference of these missions could include the functions of warning of violations and their prevention, signalling and registering existing violations, etc.

The Bulgarian Government would like to express once again its readiness to strictly implement the sanctions concerning the Federal Republic of Yugoslavia (Serbia and Montenegro) and to cooperate with the international community in the rigorous enforcement of resolution 787 (1992) of the United Nations Security Council.